

20 February 2012

Dear Leader

GENERAL POWER OF COMPETENCE AND FREEDOM TO PRAY

On 10 February, the High Court issued a ruling in a case brought against Bideford Town Council, banning the practice of prayers at the formal beginning of council meetings. The basis of this ruling was a narrow interpretation of Section 111 of the Local Government Act 1972: in short, it asserted that councils do not have an explicit power to hold prayers as part of the formal business at council meetings.

This high profile case has generated a public debate about intolerant and aggressive secularism. As a consequence of this ruling, I have decided to fast-track the commencement of the general power of competence in the Localism Act 2011. The power is now in effect for all principal local authorities in England.

Previously your council has only been able to do those things that the law specifically empowered it to do or which are incidental to those things. The general power of competence turns the current situation on its head. Rather than looking to Whitehall to hand down specific powers, it enables your council to do anything that an individual could do unless it is specifically prohibited by law.

The general power of competence is designed to allow local authorities to act innovatively without being found by the Courts to have acted outside the law. It is intended to give your council the confidence in its legal capacity to act for your local communities, and will provide you with more flexibility to innovate and work together with others, run new services and manage assets.

These new flexibilities include the freedom to pray. The tradition of council prayers dates back hundreds of years. And as a former councillor, I understand the importance it plays in the rhythm of formal council meetings and civic occasions.

We welcome and respect fellow residents and British citizens who belong to other faiths or none. However, the right to worship is a fundamental and hard-fought British liberty. I believe Christianity continues to play an important part in the culture, heritage and fabric of our nation.

Either way, the choice on holding prayers is now yours again.

I am confident you will make good use of your new powers.



THE RT HON ERIC PICKLES MP